

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

TIMOTHY P. THOMASON,

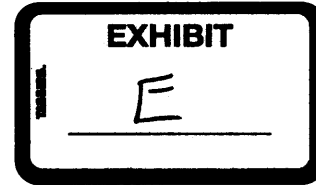
Plaintiffs,

VS.

GMAC MORTGAGE
CORPORATION,

Defendant.

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)
)
) CASE NO. CV-05-131



RE-NOTICE OF TAKING DEPOSITION

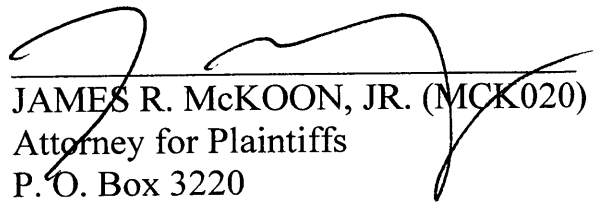
PLEASE TAKE NOTICE that, Plaintiff, will take the deposition upon oral examination of Deponent, 30(b)(6) Representative of GMAC Mortgage Corporation, on November 8th, 2005, at 10:30 A.M., Central Time, at the offices of Burr & Forman, LLP, 420 North Twentieth Street, Suite 3100, Birmingham, Alabama, 35203-5206. This deposition will be taken before a notary public or before some other officer authorized by law to administer oaths, and will be recorded by stenographic and/or videographic means. Said deposition shall be taken for the purpose of discovery, or for use as evidence, or for both purposes in connection with this action. Said oral examination will continue from time to time until completed.

Deponent, 30(b)(6) Representative of GMAC Mortgage Corporation, is requested to produce at the deposition the following items for inspection pursuant to Rule 30 (b)(5) A.R.C.P.:

10. All policies and procedures of the default division for correcting misapplied payments.
11. All policies and procedures of the default division for reporting and correcting reporting to credit reporting services, such as Equifax, Trans Union, etc.
12. All policies and procedures for the issuance of late notices and delinquency letters.
13. All policies and procedures regarding the recording of telephone conversations with customers concerning delinquent payments (this refers to electronic recording or summarizing conversations on a computer).
14. All policies and procedures concerning the applications of payments and late payments to customer accounts.
15. Each and every document, email, data entry or other communication however denoted or created reflecting any reporting or communication of any kind or description concerning the Plaintiff to any credit reporting agency.

The topics upon which the deponent(s) may expect examination in accordance with Rule 30 (b)(6) are as follows:

1. The documents previously produced by the Defendant, including the entries recorded therein.
2. The documents requested hereinabove, including all policies set forth therein.
3. The matters set forth in Plaintiff's Complaint.
4. What happened to Plaintiff's February 2004 payment that is the subject of this lawsuit, including the location of the funds and the location of Plaintiff's check to Defendant?
5. When Defendant first learned that Plaintiff's check had been misplaced or misapplied and when Defendant took action to correct the problem.
6. Why it took the Defendant eight (8) months to correct Plaintiff's account to reflect that Plaintiff was not ever delinquent more than thirty (30) days?
7. Each and every action taken by the Defendant to correct erroneous information on Plaintiff's credit report.

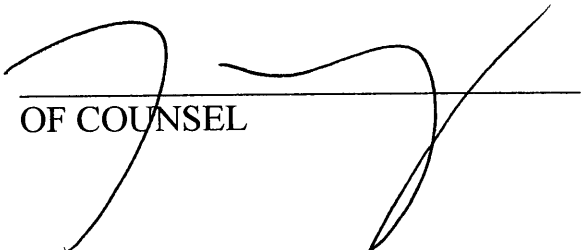


JAMES R. McKOON, JR. (MCK020)
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(334) 297-2300

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on the following by directing same of their office addresses through first-class, United States mail, postage prepaid, on this the 27th day of October, 2005.

Reid S. Manley, Esq.
Robert R. Maddox, Esq.
Burr & Forman
420 North Twentieth Street
Suite 3100
Birmingham, Alabama 35203-5206



OF COUNSEL